

CHAPTER 172

REGULATION OF SERVICES FOR CHILDREN AND FAMILIES

S.F. 503

AN ACT relating to regulation of children's services by the department of human services by increasing the age for certain children receiving child care regulated by the department and revising child welfare and juvenile justice service provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
CHILD CARE SERVICES

Section 1. Section 237A.13, subsection 1, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The person's family circumstances are described in paragraph "a", "b", "c", or "d", the person is thirteen years of age or older but younger than sixteen years of age, and state child care assistance is approved for the person by the director or the director's designee based on a request for an exception to policy made by the person's parent, guardian, or custodian because special family circumstances exist that would place the safety and well-being of the person at risk if the person is left home alone. The definition of child in section 237A.1 does not apply to child care supported by state child care assistance approved pursuant to this lettered paragraph.

DIVISION II
INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE

Sec. 2. Section 232.2, subsection 4, paragraph e, Code 2007, is amended to read as follows:
e. ~~To the extent the records are available and accessible, a summary of The most recent information available regarding the child's health and education records, including the date the records were supplied to the agency or individual who is the child's foster care provider.~~

Sec. 3. Section 232.2, subsection 4, paragraph i, Code 2007, is amended to read as follows:
i. A provision that a designee of the department or other person responsible for placement of a child out of state shall visit the child at least once every ~~twelve~~ six months.

Sec. 4. Section 232.57, subsection 1, Code 2007, is amended to read as follows:
1. For the purposes of this division, unless the context otherwise requires, "reasonable efforts" means the efforts made to prevent permanent removal of a child from the child's home and to encourage reunification of the child with the child's parents and family. Reasonable efforts shall include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If a court order includes a determination that continuation of the child in the child's home is not appropriate or not possible, reasonable efforts may include the efforts made in a timely manner to finalize a permanency plan for the child.

Sec. 5. Section 232.58, subsection 2, Code 2007, is amended to read as follows:
2. Reasonable notice shall be provided of a permanency hearing for an out-of-home placement in which the court order has included a determination that continuation of the child in the child's home is contrary to the child's welfare. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any case permanency plan or evidence submitted to the court and the reasonable efforts made concerning the child. Upon completion of the hearing, the court shall enter written findings identifying

a primary permanency goal for the child. If a case permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and in complying with the other provisions of that case permanency plan.

Sec. 6. Section 232.102, subsection 10, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

As used in this division, "reasonable efforts" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. Reasonable efforts shall include but are not limited to giving consideration, if appropriate, to interstate placement of a child in the permanency planning decisions involving the child and giving consideration to in-state and out-of-state placement options at a permanency hearing and when using concurrent planning. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

Sec. 7. Section 232.104, subsection 1, paragraph c, Code 2007, is amended to read as follows:

c. Reasonable notice of a permanency hearing shall be provided to the parties. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing, the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court and the reasonable efforts made concerning the child. Upon completion of the hearing, the court shall enter written findings and make a determination identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether reasonable progress is being made in achieving the permanency goal and complying with the other provisions of that permanency plan.

DIVISION III
CHILD WELFARE FAMILY-CENTERED AND
FAMILY PRESERVATION SERVICES

Sec. 8. Section 225C.49, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall provide coordination of the programs administered by the department which serve individuals with a disability and the individuals' families, including but not limited to the following juvenile justice and child welfare services: family-centered ~~and intensive family preservation~~ services described under section 232.102, decategorization of child welfare funding provided for under section 232.188, and foster care services paid under section 234.35, subsection 3. The department shall regularly review administrative rules associated with such programs and make recommendations to the council on human services, governor, and general assembly for revisions to remove barriers to the programs for individuals with a disability and the individuals' families including the following:

Sec. 9. Section 232.102, subsection 10, Code 2007, is amended to read as follows:

10. a. As used in this division, "reasonable efforts" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the

child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include ~~intensive family preservation services or~~ but are not limited to family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family. If ~~intensive family preservation~~ family-centered services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child's family, judged to be unable to protect the child and the child's family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

(2) The relative risk to the child of remaining in the child's home versus removal of the child.

b. As used in this section:

(1) ~~Family-centered.~~ "family-centered services" means services ~~which utilize a comprehensive approach to addressing the problems of individual family members, whether or not the problems are integrally related to the family, within the context of the family and other support intended to safely maintain a child with the child's family or with a relative, to safely and in a timely manner return a child to the home of the child's parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections.~~ Family-centered services are adapted to the individual needs of a family in the regard to the specific services and other support provided to the child's family and the intensity and duration of service delivery and. Family-centered services are intended to preserve a child's connections to the child's neighborhood, community, and family and to improve the overall capacity of the child's family functioning to provide for the needs of the children in the family.

(2) ~~"Intensive family preservation services"~~ means services provided to a family with a child who is at imminent risk of out-of-home placement. The services are designed to address any problem creating the need for out-of-home placement and have the following characteristics: ~~are persistently offered but provided at the family's option; are provided in the family's home; are available twenty-four hours per day; provide a response within twenty-four hours of the initial contact for assistance; have worker caseloads of not more than two through four families per worker at any one time; are provided for a period of four to six weeks; and provide funding in order to meet the special needs of a family.~~

Sec. 10. Section 234.6, subsection 6, paragraph c, Code 2007, is amended to read as follows:

c. ~~Intensive family preservation services and family-centered~~ Family-centered services, as defined in section 232.102, subsection 10, paragraph "b".

DIVISION IV CHILD-PLACING AGENCY INSPECTIONS

Sec. 11. Section 238.20, Code 2007, is amended to read as follows:

238.20 MINIMUM INSPECTION — RECORD.

Authorized employees of the department of inspections and appeals shall visit and inspect the premises of licensed child-placing agencies at least once every ~~six~~ twelve months and make and preserve written reports of the conditions found.

DIVISION V LICENSED FOSTER CARE — RECORD CHECKS

Sec. 12. Section 237.8, subsection 2, paragraph a, Code 2007, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (1A) For an individual subject to licensure under this chapter as

a foster parent, in addition to the record checks conducted under subparagraph (1), the individual's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph is the responsibility of the department of human services.

NEW SUBPARAGRAPH. (1B) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure as a foster parent have been completed and the individual either does not have a record of crime or founded abuse or the department's evaluation of the record has determined that prohibition of the individual's licensure is not warranted, the individual may be provisionally approved for licensure pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (1A).

DIVISION VI
PREADOPTIVE CARE PROVIDERS

Sec. 13. Section 232.91, subsection 3, Code 2007, is amended to read as follows:

3. Any person who is entitled under section 232.88 to receive notice of a hearing concerning a child shall be given the opportunity to be heard in any other review or hearing involving the child. A foster parent, relative, or other individual with whom a child has been placed for pre-adoptive care shall have the right to be heard in any proceeding involving the child.

Sec. 14. Section 232.116, subsection 2, paragraph c, Code 2007, is amended to read as follows:

c. ~~For a child who has been placed in foster family care, any~~ The relevant testimony or written statement provided by the child's foster parents that a foster parent, relative, or other individual with whom the child has been placed for preadoptive care or other care has a right to provide to the court.

Approved May 24, 2007

CHAPTER 173

ELECTRICAL AND MECHANICAL AMUSEMENT DEVICES

S.F. 510

AN ACT concerning electrical and mechanical amusement devices and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99B.1, subsections 12, 18, 19, and 23, Code 2007, are amended to read as follows:

12. "Distributor" means, for the purposes of sections 99B.10, 99B.10A, and 99B.10B, any person that owns electrical and mechanical amusement devices registered as provided in section 99B.10, subsection 4 1, paragraph "f", that are offered for use at more than a single location or premises.

18. "Manufacturer" means, for the purposes of sections 99B.10, 99B.10A, and 99B.10B, any person engaged in business in this state who originally produces an electrical and mechanical